



United States Department of Justice

Environment & Natural Resources Division

90-2-4-13771

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June 15, 2018

*BY ECF*

The Honorable James O Browning  
District Court Judge  
United States District Court  
District of New Mexico  
Pete V. Domenici United States Courthouse  
333 Lomas Blvd. NW, Suite 660  
Albuquerque, NM 87102

Re: Pueblo of Jemez v. United States, No. 1:12-cv-800 (JB)(JHR)

Dear Judge Browning:

Thank you for your June 6, 2018 letter identifying a possible conflict in connection with the above-referenced case. The United States has no concerns regarding your ability to adjudicate this case fairly. In considering your June 6 letter, we determined that the Court might wish to be made aware of certain non-parties that the United States identified as necessary or possibly necessary parties in response to Plaintiff's Interrogatory No. 5. Plaintiff's Interrogatory and the United States' response read:

**INTERROGATORY NO. 5:** Identify all necessary parties that need to be joined as alleged in Plaintiff's [sic] sixth affirmative defense.

**ANSWER:** Defendant objects to the extent that this Interrogatory calls for the disclosure of expert opinion. Given the passage of time and the unavailability of deceased fact witnesses, expert opinion testimony relating to this Interrogatory may be required. Defendant, however, will disclose expert testimony pursuant to FRCP 26(a) and the trial schedule entered in this case. Subject to and without waiving these objections, limitations, and constructions,

Defendant responds that upon information and belief, the following are necessary parties to this action under Federal Rule of Civil Procedure 19:

- Pueblo of Santa Clara

- Pueblo of Zia
- Pueblo of San Ildefonso
- Pueblo of Cochiti
- Jicarilla Apache Nation
- Kewa Pueblo
- Hopi Tribe
- Pueblo of Tesuque
- Pueblo of Santa Ana
- New Mexico


Upon information and belief, the United States states that the following Federally recognized Indian tribes may be necessary parties to this action:

- Ohkay Owingeh
- Pueblo of San Felipe
- Pueblo of Acoma
- Pueblo of Nambe
- Pueblo of Pojoaque
- Pueblo of Sandia
- Pueblo of Isleta
- Pueblo of Laguna
- Pueblo of Picuris
- Pueblo of Taos
- Navajo Nation
- Southern Ute Indian Tribe
- Ute Mountain Ute Tribe
- Pueblo of Zuni
- Apache Tribe of Oklahoma
- Cheyenne and Arapaho Tribes, Oklahoma
- Comanche Nation, Oklahoma
- Fort Sill Apache Tribe
- Kiowa Indian Tribe
- Mescalero Apache Tribe
- Pawnee Nation
- San Carlos Apache Tribe
- Standing Rock Sioux Tribe
- Tonto Apache Tribe of Arizona
- Ute Indian Tribe of the Uintah & Ouray Reservation, Utah
- White Mountain Apache Tribe
- Wichita and Affiliated Tribes
- Ysleta Del Sur Pueblo

The United States has no reason to believe that any representation of the above parties might require this Court's recusal, but wants this Court to be able to make a fully-informed decision

regarding any potential conflicts.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Marinelli', with a stylized flourish at the end.

Matthew Marinelli  
Trial Attorney

Cc: Randolph Barnhouse  
Christina West  
Justin Solimon  
Kirk Allen  
Peter Dykema  
Jacqueline Leonard